UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CIVIL MINUTE ORDER

VAUGHN R. WALKER
United States District Chief Judge

DATE: August 8, 2006

COURTROOM DEPUTY: Cora Delfin **Court Reporter:** Sahar McVickar

CASE NO. C- 06-0672 VRW

TITLE: Tash Hepting et al v. AT&T Corporation et al

COUNSEL FOR PLAINTIFF:
Cindy Cohn, James Tyre
Kevin Bankston, Robert Fram
Kurt Opshall

COUNSEL FOR DEFENDANT:
Bruce Ericson, Bradford Berenson
David Anderson, Marc Axelbaum

USA: Anthony Coppolino
Wired News, CondeNet Inc: Timothy Alger
AP, San Jose Mercury News et al: Karl Olson

PROCEEDINGS:
1. Further CMC
2. AT&T and United States' Motion for a Stay Pending Appeal

RESULTS:

The parties apprised the court regarding the status of the interlocutory appeal motions of the government and AT&T.

The court asked the government to describe how it will ensure that any classified documents the court reviewed would be available to the Ninth Circuit in case of appellate review.

The court heard argument from counsel regarding:

(1) whether the court should appoint a technical advisor or expert witness pursuant to FRE 706 and
(2) whether the court should stay the proceedings pending the decision of the Judicial Panel on Multidistrict Litigation and/or the interlocutory appeal before the Ninth Circuit; and if granted, what part of the proceedings should be stayed.

The court determined that it would not, at this stage, appoint a technical advisor or expert witness and that it would issue a stay of limited duration.

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